



office space in downtown Tyler, houses all its computer servers in Tyler, maintains all company documents in Tyler, and has its sources of proof in Tyler. Blue Spike is a member of the Tyler Chamber of Commerce, and its CEO is a member of the Greater East Texas IT Professionals. Blue Spike has also sponsored the Tyler Mini Maker Faire.

6. Blue Spike plans to call witnesses from Texas, including me, who will testify about the accused products in this lawsuit.

7. Blue Spike has no offices, no employees, no customers, and no other meaningful contacts in the Northern District of California apart from its lead attorneys' residence there.

8. Litigating this action in the Northern District of California would be very difficult for me due to my medical condition.

9. Litigating this action in the Northern District of California would be extremely inconvenient, expensive, and burdensome for Blue Spike.

10. A transfer would dramatically increase the costs of litigation for Blue Spike and would increase the amount of time that Blue Spike's witnesses and employees would have to spend litigating the case.

11. Transfer would cause serious hardship for me personally, as I suffer from a medical condition caused by a hernia that makes it very painful to travel long distances. My condition requires monthly medical treatments.

I declare, on September 3, 2013, in Smith County, Texas and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Scott Moskowitz  
Scott Moskowitz